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Poland's Law on Copyrights

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Poland: Law on Copyrights

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[The Law of 7 January 1994 on Copyright Law and Related Laws, signed by President Walesa]

[Text]

Chapter 1
Scope of Copyright Law

Article 1.1. The scope of the Copyright Law encompasses any manifestation of creative activity of an individual nature, whatever the tangible medium it is fixed in and regardless of its value and purpose and the manner of its expression ("the work").

1.2. In particular, the following works are subject to the Copyright Law:

1) Expressed in words, mathematical symbols, graphical signs (literary, journalistic, scientific, cartographic, and computer software).

2) Sculpting.

3) Photographic.

4) Related to manufacture of stringed musical instruments.

5) Industrial pattern-designing.

6) Architectural, architectural-urbanistic, and urbanistic.

7) Musical and composed of words and music.

8) Performed on stage, including with music, choreographic and pantomimic.

9) Audiovisual (including visual and audio).

1.3. A work is subject to the Copyright Law once it is fixed, even if in incomplete form.

1.4. The author is entitled to protection irrespective of the completion of any formalities.

Article 2.1. Derivative treatment, in particular translation, reworking, or adaptation, of another author's work is copyrightable without detriment to the copyright of the original work.

2.2. The further fate of the derivative treatment, including using it, hinges on the consent of the author of the original work (derivative copyright), unless the original copyright has expired.

2.3. The author of the original work may withdraw consent to its derivative treatment if said treatment is not popularized within five years from the date consent was granted. The honorarium paid to the author is not refundable.

2.4. A work created owing to inspiration by another author's work is not considered derivative treatment.

2.5. Copies of the derivative treatment must identify the author and the title of the original work.

Article 3. Anthologies, collections, selections, and data bases are subject to the Copyright Law, even if they contain unprotected material, if the selection, arrangement, or compilation is of a creative nature, without detriment to the rights in the works contained therein.

Article 4. The following are not subject to the Copyright Law:

1) Normative acts or their official drafts.

2) Official documents, materials, signs, and symbols.

3) Published patent descriptions or protective descriptions.

4) Press reports on current events.

Article 5. Provisions of this Law apply to works:

1) Whose author or coauthor is a Polish citizen, or

2) That were originally published on the territory of the Polish Republic, or simultaneously on that territory and abroad, or

3) That were published for the first time in the Polish language, or

4) Whose protection ensues from international agreements.

Article 6. As construed by the present Law:

1) A published work is a work that was reproduced with its author's permission and whose copies were made publicly available.

2) A simultaneous publication is construed as publication of the work on Polish territory and abroad within 30 days from its first publication.

3) A disseminated work is a work that was made publicly available, with its author's consent.

Article 7. If international agreements to which the Polish Republic is a party provide for more far-reaching protection than envisaged in the present Law with respect to unpublished works of Polish citizens or works published for the first time on Polish territory or simultaneously on Polish territory and abroad, or published for the first time in the Polish language, the provisions of said agreements apply to such works.

Chapter 2
Subject Matter of Copyright Law

Article 8.1. Authors are protected by copyrights, unless otherwise specified in the present Law.

8.2. The assumption is that the author is the person whose name is specified as the author on copies of the work, or whose authorship is made public in some other way in connection with the dissemination of the work.

8.3. Until an author discloses his or her authorship, the exercise of the copyright is handled by the producer or the editor, or in their absence, the appropriate copyright-administering organization.

Article 9.1. Coauthors are jointly protected by the Copyright Law. The assumption is that they share in the copyright equally. Any coauthor may demand that a court of law define the extent of his or her share in proportion to his or her contribution of creative labor.

9.2. Any coauthor may exercise the copyright in an autonomous part of the work for which he or she is responsible, provided this does not happen to the detriment of the rights of the other coauthors.

9.3. Exercising the copyright in the work as a whole requires the consent of all of the coauthors. In the event no such consent is forthcoming, any coauthor may demand a decision from a court of law, which will make said decision upon taking into account the interests of all of the coauthors.

9.4. Any coauthor may institute a lawsuit for infringements of the copyright in the work as a whole. The compensation received is shared by all of the coauthors, with allowance for their individual contributions.

9.5. The pecuniary copyright belonging to coauthors is correspondingly governed by the provisions of the civil law code on fractional co-ownership.

Article 10. When authors combine their respective works for the purpose of joint dissemination, any of them may demand of the remaining authors consent to the dissemination of the resulting whole unless there is a warranted basis for refusal and the contract does not specify otherwise. The provisions of Article 9, Paragraphs 2-4 apply correspondingly.

Article 11. A pecuniary copyright in a joint work and, in particular, in an encyclopedia or a periodical publication, belongs to the producer or the editor, while the copyrights in discrete and autonomous parts of said work belong to their authors. It is assumed that the producer or the editor has the right to the title.

Article 12.1. Unless the present Law or an employment contract specifies otherwise, an employer whose employee created a work while exercising his or her employment-related duties acquires pecuniary copyright therein, within the limits ensuing from the purpose of the employment contract and the concerted intention of both parties, once the work is accepted.

12.2. If, within two years from the date of acceptance of the work, the employer does not initiate the dissemination of the work specified for dissemination in the employment contract, the author may designate in writing to the employer an appropriate deadline for disseminating the work, with the effect that, upon the expiration of that deadline, the rights gained by the employer, together with the ownership of the object on which the work is fixed, revert to the author, unless the contract specifies otherwise. The parties to the contract may specify in the contract a different deadline for initiating the dissemination of the work.

12.3. Once a work is accepted, the employer acquires ownership of the object on which the work is fixed, unless the employment contract specifies otherwise.

Article 13. Unless the employer notifies the author within six months following delivery of the work that the work is accepted, declined, or accepted contingent on meeting certain specified conditions within a designated appropriate time limit, the assumption is that the work was accepted without any reservations. The parties to the contract may specify a different time limit.

Article 14.1. Unless the employment contract specifies otherwise, a scientific institution has the right of priority in publishing the work of a scientific associate who created it as part of the exercise of his or her official duties. The author retains the right to receive a royalty. Such priority of publication expires if, within six months from the date of delivery of the work, no contract for publishing the work is signed with its author, or if, within two years from the date of its acceptance, the work is not published.

14.2. A scientific institution may avail itself of the scientific material contained in the work referred to in Paragraph 1 without paying separate royalties and make said material available to third parties if that ensues from the agreed-upon purpose of the work or from a contract clause.

Article 15. The assumption is that the producer or publisher is the person or entity whose name or appellation is specified accordingly on the media used to fix the work or made public in some way in connection with the dissemination of the work.

Chapter 3
Contents of Copyright Law

Section 1
Personal Copyright

Article 16. Unless the present Law specifies otherwise, personal copyright protects the bond between an author and his or her work, a bond that is timeless and not subject to renunciation or transfer, and, in particular, it comprises the right to:

1) Authorship of the work.

2) Designate the work with the author's name or pseudonym or make it public anonymously.

3) Inviolability of the content and forms of the work and of honest usage of the work.

4) Decide when to first make the work public.

5) Supervise the manner in which the work is used.

Section 2
Pecuniary Copyright

Article 17. Unless the present Law specifies otherwise, to the author belongs the exclusive right to avail himself or herself of the work and dispose of it in all media of expression as well as to receive royalties for use of the work.

Article 18.1. Pecuniary copyright is not subject to execution as long as it serves the author. This does not apply to executable claims.

18.2. After the author's death, the heirs have a right to oppose execution based on a copyright to an unpublished work, unless such opposition contradicts the author's revealed will concerning the work's dissemination.

18.3. The right to royalties referred to in Article 20 Paragraph 2, Article 30 Paragraph 2, and in Article 70 Paragraph 3 is not subject to renunciation, transfer, or execution. This does not apply to executable claims.

Article 19.1. The author and his or her heirs are entitled to royalties amounting to 5 percent of the price of professionally performed sales of original specimens of sculptural works and manuscripts of literary and musical works. The vendor is required to pay that royalty, and if acting in conjunction with a third party, the vendor and that third party are jointly responsible.

19.2. The vendor is obliged to disclose the identity of the third party referred to in Paragraph 1. The vendor may be relieved of this obligation by paying the full royalty.

19.3. Renunciation of the royalty referred to in Paragraph 1 is nonbinding, unless it concerns an executable claim.

Article 20.1. Manufacturers and importers of tape recorders, video recorders, duplicating equipment, and other similar devices, as well as of pure carriers serving to fix, with the aid of these devices, copyrighted works for personal use, and of duplicating equipment, are obliged to pay royalties to authors, artists, and producers of audio and video records, in the amount that would not exceed 3 percent of the proceeds from the sales of those devices and carriers.

20.2 Out of the amount obtained due to royalties referred to in Paragraph 1:

1) 50 percent goes to the authors

2) 25 percent goes to performing artists

3) 25 percent goes to producers of audio and video records, except that in the case of duplicating equipment, 100 percent of the amount goes to the authors.

20.3 The minister of culture and art, upon consulting the appropriate organizations for administering copyrights and related rights, associations of authors and performing artists, and organizations of the manufacturers or importers of the devices and of the pure carriers referred to in Paragraph 1, defines, through executive orders, amounts of the royalties referred to in Paragraph 1, detailed rules concerning their collection and transfer, and he also specifies the organization for administering copyrights and related rights that is proper for collecting the royalties.

Article 21.1. Public radio and television organizations are free to broadcast published works that are not feature films, inclusive of feature film series, with the proviso that the right of authorized authors to receive royalties is preserved.

21.2. Radio and television organizations other than those referred to in Paragraph 1 are free to broadcast published minor literary, musical, and literary-musical works on the basis of contracts concluded with the appropriate organization for administering copyrights or related rights. However, to make it valid, an author may declare in writing to such an organization that he or she will personally decide whether to let his or her published works be broadcast.

Article 22. 1. Radio and television organizations have a right, for their own broadcasting purposes, to record works which they had previously acquired a permission to broadcast.

22. 2. Recordings referred to in Paragraph 1 should be destroyed within a month since the work was broadcast.

22. 3 Provisions of Paragraph 2 do not apply to recordings made for broadcasting purposes bearing an exceptional documentary nature, as long as they are placed in archives. The author should be immediately notified about placing a recording of his work in archives.

Section 3
Fair Use of Protected Works

Article 23.1. An already disseminated work may be used gratis for personal purposes without paying a royalty. However, this provision does not authorize the copying of architectural or architectural-urbanistic works.

23.2. The scope of personal use encompasses the author's close associates linked by ties of, in particular, kinship, affinity, or friendship.

Article 24.1. Works broadcast via satellite or ground surface by another radio or television station may be disseminated with the aid of a community antenna and a cable network, provided this takes place within the framework of simultaneous, integral, and gratis dissemination of radio or television programs and is designed for a specified audience located within a single building encompassing up to 50 households.

24.2. Owners of audio or audiovisual receivers may use them to receive broadcast works; this also applies to receivers located in a communal area so long as no fee is charged for listening to or viewing them.

24.3 With the proviso of Paragraph 1, cable network operators are free to distribute works relayed by other radio or television organizations available in the given area, if the distribution through the cable networks is done simultaneously, and maintains the integrity of the original work. Those entitled to the works have a right to royalties.

Article 25. 1. The following may be freely disseminated for information purposes by the press, radio, and television:

1) Works previously disseminated.

a) Reports on current events.

b) Current articles and comments on political, economic, and social issues.

c) Current photographs linked to the reports.

2) Brief excerpts from the reports, articles, and statements referred to in Points 1 a) and 1 b).

3) Reviews of publications and disseminated works.

4) Speeches delivered at public meetings and debates; however, this does not authorize the publication of collections of speeches delivered by a single individual.

5) Abridgments of distributed works.

25.2. When works referred to in Paragraph 1, Points 1 b) and 1 c) are used, their authors are entitled to royalties.

25.3. The dissemination of works on the basis of Paragraph 1 is permitted in both the original and in translation.

Article 26. Reports on current events may cite passages from works made available during these events, within the limits warranted by the purpose of the report.

Article 27. Scientific and educational institutions may, for pedagogical or research purposes, avail themselves of published works in the original and in translation and prepare for this purpose discrete copies of passages from a published work.

Article 28. Libraries, archives offices, and schools may:

1) Make available gratis, within the scope of their statutory purposes, specimens of published works.

2) Prepare or commission the preparation of discrete specimens of published works that are not available for sale, with the object of complementing or protecting their collections, and make them available gratis.

Article 29. 1. It is allowed to quote excerpts from distributed works or entire small works, in works constituting an independent whole, to the extent is it justified by exegesis, critical analysis, instruction, or specific terms under which branches of creativity function (for instance parody, pastiche, artistic quote).

29.2. It is allowed for instructional purposes, to include small distributed works or brief excerpts from larger works in textbooks and selections.

29.3. In the cases referred to in Paragraph 2, the author is entitled to a royalty.

Article 30.1. Scientific and technical information and documentation centers may prepare their own documentary studies as well as discrete specimens of excerpts, no larger than a single printing sheet, from published works.

30.2. The author or the proper organization for administering copyrights or related rights is authorized to collect from the centers referred to in Paragraph 1 royalties for allowing access to samples of parts of works.

Article 31. Published nondramatic literary works and dramatic literary and musical works may be publicly performed without the payment of royalty if done for nonprofit purposes. This concerns, in particular, occasional live performances relating to religious worship, state and school ceremonies, and public anniversary celebrations and entertainment, with the exception of entertainment provided for advertising, promotional, or electoral purposes.

Article 32.1. The owner of a sculpture may display it publicly, provided it is not done for profit purposes.

32.2. In the event a decision is made to destroy the original of a sculpture displayed in a public area, its owner is obliged to first offer it for sale to its author, or, if that is not possible, to the author's next of kin, providing that contacting the author for the purpose of making the offer is feasible. The upper limit of the sale price hinges on the value of the materials used in the sculpture. If sale is not feasible, the owner is obliged to enable the author to prepare a copy of the sculpture or, depending on the nature of the work, appropriate documentation.

Article 33. The following works are in the public domain:

1) Works permanently displayed on public roads, streets, or squares or in gardens, but not for the same use.

2) Works exhibited in public collections such as museums, art galleries, and exhibition rooms, but only in catalogs and publications printed for the purpose of promoting these works, and also in press and television reports on current events, but within the limits justified by the purpose of the information.

3) In encyclopedias and atlases—reproductions of published sculptures and photographic works, if contacting the author for the purpose of obtaining his permission

entails relatively insurmountable obstacles. In such cases, the authors are entitled to receive compensation.

Article 34. Works may be used under the fair use doctrine on the condition that their authors and sources be named. The authors then are not entitled to receive compensation, unless otherwise specified by the present Law.

Article 35. Fair use may not infringe upon normal use of a work or injure the justified interests of the author.

Chapter 4
Duration of Pecuniary Copyright

Article 36. Allowing for the exceptions envisaged in the present Law, pecuniary copyright expires after 50 years:

1) From the date of demise of the author, and for joint works from the date of demise of the surviving joint author.

2) If the author is unknown, from the date of the first publication, and if the work is unpublished, from the date of its fixation, unless, before the expiration of that time limit, the author's name was disclosed, with his or her consent.

3) From the date of the first publication, if, pursuant to the present Law, the pecuniary copyright is owned by a person other than the creator, or if the work is unpublished, from the date of its fixation.

Article 37. If the time period until the expiration of the pecuniary copyright commences with the publication of the work and the work was published in parts, the time period is reckoned from the publication of the last part. If, however, discrete parts are autonomous, the time period until the expiration date commences separately for each part.

Article 38. The duration of the pecuniary copyright in a work published for the first time within the past 10 years of the duration of its protection is extendable for another 10 years.

Article 39. The duration of pecuniary copyright is reckoned in complete years subsequent to the year in which took place the event with which the duration of the interval of time referred to in Articles 36-38 commences.

Article 40.1. Manufacturers or publishers of copies of literary, musical, sculptural, photographic, and cartographic works whose copyright protection has expired are obliged to transmit to the Fund referred to in Article 111 5-8 percent of gross proceeds from the sale of copies of these works. This applies to editions issued on the territory of the Polish Republic.

40.2. The provisions of Paragraph 1 apply correspondingly to copies of protected derivative treatment of works whose copyright protection has expired.

40.3. The minister of culture and art issues executive orders defining the percentages referred to in Paragraph 1.

Chapter 5
Transfer of Pecuniary Copyright

Article 41.1. Unless otherwise specified by the present Law:

1) Pecuniary copyright may be transferred to other people by inheritance or on the basis of a contract.

2) The acquirer of the pecuniary copyright may transfer it to other persons or entities, unless otherwise specified in a contract.

41.2. The contract for the transfer of a pecuniary copyright or an agreement for using a work, hereinafter referred to as a "license," comprises media of expression clearly denoted therein.

41.3. The contract is nonbinding in the part thereof concerning any works, or all works of a particular kind, by the same author that are to be created in the future.

41.4. The contract may apply only to the media of expression known at the time it is concluded.

Article 42. Should the pecuniary copyright owned by one of the coauthors be transferred to the State Treasury as the legal heir, that part is transferred to the surviving coauthors or their legal successors in proportion to the size of their contributions.

Article 43.1. If the contract does not specify that the transfer of the pecuniary copyright or the granting of a license is gratis, the author is entitled to a royalty.

43.2. If the contract does not specify the amount of the royalty, the amount is determined with allowance for the scope of the right granted and the advantages ensuing from the use of the work.

Article 44. In the event of a glaring disproportion between the author's royalties and the advantages ensuing to the acquirer of the pecuniary copyright or to the licensee, the author may sue in a court of law for a corresponding increase in royalties.

Article 45. The author is entitled to a separate royalty for the use of his or her work in every particular tangible form in which it may be fixed, unless the contract specifies otherwise.

Article 46. Unless the contract specifies otherwise, the author retains the exclusive right to grant the exercise of derivative copyright, even though the contract specifies the transfer of the entirety of the pecuniary copyright.

Article 47. If the author's royalties depend on the amount of the proceeds from the use of the work, the author has the right to receive information on and inspect records that are essential to determining the amount of these royalties.

Article 48.1. If the author's royalties are defined in percent of the sales price of copies of the work, and if that price is increased, the author is entitled to the agreed-upon percentile proportion of proceeds from the copies sold at the higher price.

48.2. A unilateral reduction in the sales price of the copies before the expiration of one year since the dissemination of the work does not affect the size of the royalties. The parties to the contract may extend that term.

Article 49.1. If the contract does not define the manner of use of the work, the manner should be consonant with the nature and purpose of the work and the customs and mores.

49.2. In the absence of the author's consent, the legal successor of the author may not, even after acquiring the entrie pecuniary copyright, alter the work, unless the alterations are occasioned by evident necessity and the author has no warranted rationale for objecting to them. This applies correspondingly to works with regard to which the time period of pecuniary copyright protection has expired.

Article 50. Discrete media of expression are constituted by, in particular:

1) Fixation.

2) Reproduction by a particular technology.

3) Introduction into circulation.

4) Loading in computer memory.

5) Public performance or public reproduction.

6) Display.

7) Film projection.

8) Lease.

9) Rental.

10) Broadcasting by means of audio or video cable or wireless transmission from a ground station.

11) Satellite broadcasting.

12) Simultaneous and integral broadcasting of a work which is being broadcast by another radio or television organization.

Article 51.1. Introduction into circulation is a transfer of ownership of a specimen of the work done by a person entitled to it, or another kind of disposal of the specimen done with the person's permission.

51.2. With the proviso of Article 50 Paragraphs 8 and 9, after introduction into circulation, any further circulation of specimens of the works does not infringe on the copyright.

51.3. Importation of specimens introduced into circulation, with the permission of a person entitled to it, into the territory of a country with which the Republic of Poland has signed an agreement about establishing a free-trade zone, does not constitute infringement on pecuniary copyrights.

Article 52.1. The transfer of ownership of a specimen of the work does not imply the transfer of the pecuniary copyright therein, unless the contract specifies otherwise.

52.2. Unless the contract specifies otherwise, the transfer of the pecuniary copyright does not imply the transfer of ownership of the specimen of the work to the acquirer of said copyright.

52.3. The acquirer of the original work of authorship is obliged to make it accessible to its author to the extent needed to exercise the copyright. However, the acquirer may demand of the author a proper securing of the work and compensation for its use.

Article 53. The contract for the transfer of the pecuniary copyright must be in writing on penalty of being otherwise nonbinding.

Article 54.1. The author is obliged to deliver the work within the time limit specified in the contract, or, if no such time limit is specified, immediately upon completing the work.

54.2. If the author fails to deliver the work within the specified time limit, the commissioning party may designate to the author a suitable additional period of time and revoke the contract should that additional period also not be adhered to.

Article 55.1. If the work ordered displays defects, the commissioning party may specify an additional period of time for their elimination by the author and, should that additional period of time not be adhered to, said party may revoke the contract or demand a suitable reduction in the agreed-upon remuneration, unless the defects are due to circumstances beyond the author's control. At any rate, the author retains the right to the already received advance payment if it is no higher than 25 percent of the remuneration specified in the contract.

55.2. If a work has legal defects, the commissioning party may revoke the contract and demand reparation for damages inflicted.

55.3. The claims referred to in Paragraph 1 expire upon the acceptance of the work.

55.4. Unless the commissioning party notifies its author within six months that the work has been accepted, rejected, or returned for specified revisions to be made within a particular time limit, the work is considered as accepted without any reservations. The parties to the contract may specify a period of time other than six months.

Article 56.1. An author may revoke or terminate a contract owing to considerations of his or her vital creative interests.

56.2. If within two years from the date of the revocation or termination referred to in Paragraph 1 the author intends to use the work, he or she is obliged to first offer it for use to the person or entity that originally acquired it, or to the original licensee, on designating an appropriate period of time for this purpose.

56.3. If the revocation or termination of the contract takes place after its acceptance, the other party to the contract may make said revocation or termination dependent on compensating it for the expenses incurred in connection with the contract. However, the refunding of said expenses may not be demanded if the dissemination has to be abandoned owing to circumstances beyond the author's control.

56.4. The provisions of Paragraph 1 do not apply to architectural, architectural-urban, audiovisual works, or to works ordered for utilization in an audiovisual work.

Article 57.1. If the acquirer of a pecuniary copyright or a licensee, obliged to disseminate the work, fails to commence its dissemination within the agreed-upon time limit, or, in the event no such time limit is specified, within two years from the acceptance of the work, the author may revoke or terminate the contract and demand compensation for damages after the expiration of an additional six months.

57.2. If, owing to circumstances for which the acquirer of the pecuniary copyright or the licensee bears responsibility, the work has not been disseminated, the author may demand, instead of reparation for damages, twice the amount of the remuneration specified in the contract for the dissemination of the work, unless the license is nonexclusive.

57.3. The provisions of Paragraphs 1 and 2 do not apply to architectural and architectural-urbanistic works.

Article 58. If the work is disseminated in an improper form or with revisions against which the author is justified to object, the author may revoke or terminate the contract, following an ineffective request to eliminate the infringement. The author is entitled to the remuneration specified in the contract.

Article 59. In revoking or terminating the contract, either party may demand that the other party reimburse it for benefits received under the contract, unless the present Law specifies otherwise.

Article 60.1. The user of a work is obliged to enable its author to supervise its processing before dissemination. If the revisions consequently incorporated in the work are indispensable and ensue from circumstances beyond the author's control, the expense of incorporating them is defrayed by the acquirer of the pecuniary copyright or by the licensee.

60.2. If the author does not supervise the processing of his or her work within a specified time limit, the view is that he or she has consented to the dissemination of the work.

60.3. Unless the present Law or the contract specifies otherwise, the author is not entitled to additional remuneration for auctorial supervision.

60.4. The author of a sculpture is entitled to payment for his or her auctorial supervision.

60.5. The exercise of auctorial supervision over architectural or architectural-urbanistic works is governed by separate regulations.

Article 61. The acquisition of a copy of an architectural or architectural-urbanistic blueprint from its author entails the right to use that blueprint in the construction of only one structure, unless otherwise specified in the contract.

Article 62.1. In compilations of his or her works, an author may include works for whose publication he or she has concluded separate contracts.

62.2. The contract for the publication of a compilation does not affect the author's right to publish separate works contained in that compilation, unless otherwise specified in the contract.

Article 63. If the contract provides for the preparation of copies of the work to be disseminated, the author is entitled to a number of such copies as specified in the contract.

Article 64. A contract for the transfer of a pecuniary copyright transfers to the acquirer of that copyright, once the work is accepted, the right to exclusive use of the work in the medium of expression specified in the contract, unless the contract provides otherwise.

Article 65. In the event of absence of a clause clearly specifying the transfer of the right, the author is considered as having granted a license.

Article 66.1. Unless otherwise specified in the licensing agreement, the licensee has the right to use the work for five years on the territory of the country in which the licensee is domiciled.

66.2. Upon the expiration of the period of time referred to in Paragraph 1, the right obtained under the licensing agreement expires.

Article 67.1. An author may grant an authorization to use his or her work in the media of expression mentioned in the agreement upon specifying the scope, place, and time of that use.

67.2. Unless the agreement provides for exclusive use of a work in a particular manner (exclusive license), the grant of a license does not preclude the author from

authorizing other persons or entities to use his or her work in the same medium of expression (nonexclusive license).

67.3. The licensee may not authorize another person or entity to use a work under the license, unless otherwise specified in the agreement.

67.4. Unless otherwise specified in the contract, the holder of an exclusive license may institute claims for the infringement of pecuniary copyright to the extent covered by the licensing agreement.

67.5. An exclusive licensing agreement must be made in writing if it is to be binding.

Article 68.1. Unless otherwise specified in the agreement, if the license is granted for an unspecified period of time, the author may revoke it following a conventional period of time or, by default, a year hence or at the end of the calendar year.

68.2. A license granted for a period longer than five years is considered as granted for an indefinite time following the expiration of that period.

Chapter 6
Specific Provisions Concerning Audiovisual Works

Article 69. The coauthors of an audiovisual work are the persons who creatively contributed to its formation, in particular: the director, the scriptwriter adapting the literary work, the writer of musical or literary-musical works created for the audiovisual work, and the scenario writer.

Article 70.1. The pecuniary copyright in an audiovisual work belongs to the producer. The rights of the authors of works that are of autonomous importance may not be exercised to the detriment of the producer or other authors.

70.2. The assumption is that the producer of an audiovisual work has acquired the pecuniary copyright in the works he oe she has commissioned or in the works incorporated in an audiovisual work, but only with regard to the audiovisual use of that work.

70.3. The producer of an audiovisual work is obliged to pay royalties to the director and authors of scenarios, musical works, and literary- musical works, as well as residuals to the principal performers in the audiovisual work, through the mediation of a copyright-administering organization, in proportion to the proceeds from the dissemination of the audiovisual work in cinemas as well as appropriate remuneration for the rental or lease of audiovisual works and for reproducing them in public, for the duration of copyright protection.

70.4. The coauthor of an audiovisual work and the performers of the main roles may decline the mediation of the organization referred to in Paragraph 3. Such refusal must be made in writing if it is to be binding.

70.5. Remuneration for using a Polish audiovisual work abroad or a foreign audiovisual work in Poland may be set as a lump-sum payment.

Article 71. A producer may translate an audiovisual work into various linguistic versions without the consent of its author.

Article 72. The author of a work commissioned for an audiovisual work may, after ten years from the date of acceptance of the work, permit the dissemination of that work through the mediation of another audiovisual work if the original audiovisual work has not been disseminated in the intervening period. Parties may shorten this period.

Article 73. The right to auctorial supervision may be exercised only for the final version of an audiovisual work.

Chapter 7
Specific Provisions Concerning Computer Software

Article 74.1. Computer software is subject to the same protection as literary works, unless the provisions of the present chapter specify otherwise.

74.2. The protection granted to computer software encompasses all of the forms of its expression, including all of the forms of documentation pertaining to project design, manufacture, and usage. However, the ideas and principles serving as the foundations of any element of computer software, including linkages, are not subject to protection.

74.3. Property rights to the computer software created by an employee while on the job belong to the employer, unless the employment contract specifies otherwise.

74.4. With the proviso of Article 75, Paragraphs 2 and 3, the pecuniary copyright in computer software includes the right to:

1) Regular or temporary duplication of the software in its entirety or in part, by any means whatsoever and in any form whatsoever; however, to the extent to which its booting, display, application, transfer, or storage requires its duplication, these operations do not require the consent of the copyright holder.

2) Translation, adaptation, alteration of alignment, or any other changes of computer software, on preserving the rights of the person performing these changes.

3) Public dissemination, including rental or lease, of software or its copies. The first sale of a software specimen by the copyright holder, or with his or her permission, exhausts the right to disseminate that specimen; this does not affect the right to oversee further lease or rental of the software or its sample.

Article 75.1. Unless otherwise specified in the contract, the activities referred to in Article 74, Paragraph 4, Points 1) and 2) do not require the copyright holder's consent if they are indispensable to using the software in

accordance with its purpose, inclusive of the correction of errors by the person or entity that became its legal owner.

75.2. The copyright holder's permission is not needed for:

1) The preparation of a spare copy, if indispensable to using the software. That copy may not be used concurrently with the software, unless otherwise specified in the contract.

2) The observation, study, or testing of the operation of thesoftware, with the object of apprehending its basic ideas and principles by the person authorized under a contract to use the software sample if, being authorized to perform these activities, that person performs them during the screening, application, transfer, or storage of the software.

3) The reproduction of the code or translation of the software's form as construed by Article 74, Paragraph 4, Points 1) and 2), when so needed for the purpose of achieving compatibility between an independently developed software program and other programs, provided the following requirements are met:

a) These operations are performed by a licensee or a person authorized to use the software specimen, or a person acting on his oe her behalf.

b) The information needed to achieve compatibility was not previously readily accessible to the personsreferred to in Point a).

c) These activities pertain to the parts of the original software that are needed to achieve compatibility.

75.3. The information referred to in Paragraphs 2 and 3 may not be:

1) Utilized for purposes other than achieving compatibility with independently created software.

2) Transmitted to other persons, unless this is needed to achieve compatibility with independently created software.

3) Utilized to develop, produce, or market software of essentially similar form, or to pursue other activities infringing upon the copyright.

Article 76. Contract provisions conflicting with Article 75, Paragraphs 2 and 3 are nonbinding.

Article 77. The provisions of Article 16, Points 3)-5), Articles 20, 23, 27, 28, 30, Article 49, Paragraph 2, and Articles 56, 60, and 62 do not apply to computer software.

Chapter 8
Protection of Personal Copyright

Article 78.1. An author whose personal copyright is threatened by the acts of another person or entity may demand cessation of that action. In the event an infringement has been committed, the author may demand that the person or entity responsible take steps to eliminate the consequences of the infringement and, in particular, that the person or entity make a public declaration of a suitable form and content. If the infringement is deliberate, a court of law may award to the author a suitable pecuniary compensation for the damages incurred, or, upon the author's demand, oblige the perpetrator to donate a specified amount of money for a social purpose defined by the author.

78.2. Unless otherwise specified by the author, following his or her demise, a claim for the protection of the decedent's personal copyright may be filed by his or her spouse or, by default, in succession, by parents, siblings, or their descendants.

78.3. Unless otherwise specified by the author, the persons mentioned in Paragraph 2 are authorized in the same sequence to exercise the deceased author's personal copyright.

78.4. Unless otherwise specified by the author, the claim referred to in Paragraph 2 may also be filed by the appropriate organization of authors or by the organization for administering copyrights and related rights that administered the copyright of the deceased author.

Chapter 9
Protection of Pecuniary Copyright

Article 79.1. An author may demand of an infringer of his or her pecuniary copyright that the infringement be discontinued and compensation for the benefits accrued be paid, or that triple the amount of the suitable compensation be paid once a lawsuit is instituted, and, if the infringement is deliberate, that the attendant damages also be paid.

79.2. Irrespective of the claims referred to in Paragraph 1, the copyright holder may also demand of the perpetrator of an infringement committed while engaging in a business activity on his or its own behalf or on the behalf of another person or entity the payment of an appropriate amount of compensation to the Fund referred to in Article 111. That amount may not be less than double the probable gain accruing to the perpetrator owing to the infringement.

Article 80.1. The court proper for considering a lawsuit for the infringement of pecuniary copyrights, or for the location of the perpetrator's operations or assets, considers, even before the proceedings commence, but not later than three days in advance, the plaintiff's request to:

1) Secure evidence before its presentation becomes infeasible or too difficult.

2) Oblige the infringer of the pecuniary copyright to provide the information and documentary evidence, defined by a court of law, relevant to the claims referred to in Article 79, Paragraph 1.

3) Secure the conservation of the claim for the infringement of a pecuniary copyright by issuing a suitable temporary injunction, upon verifying that otherwise the plaintiff would be deprived of satisfaction, even if the temporary injunction results in satisfying the claim.

80.2. The court may condition the issuing of the decision on securing the evidence or claims referred to in Paragraph 1, Point 1 and 3, on the provision of an appropriate bail.

80.3. The court may decree forfeiture to the State Treasury of illegally manufactured specimens of the works.

80.4. The court may decree the forfeiture to the State Treasury of devices serving illegally to reproduce the works or objects with the aid of which the infringement was perpetrated.

80.5 On the request of the injured party, the court may award thereto the objects referred to in Paragraph 4 as part of the compensation due.

80.6. The assumption is that the objects referred to in Paragraph 4 belong to the copyright infringer.

80.7. Complaints about the decisions of the court in the cases referred to in Paragraph 1, Point 1-3, are examined by the court within seven days.

Chapter 10
Protection of Pictures, Addressees, and the Secrecy of Information Sources

Article 81.1. The dissemination of a picture requires the consent of the person shown thereon. In the absence of an explicit reservation, such consent is not required if the person received the agreed-upon payment for posing for the picture.

81.2. No consent is needed for the dissemination of pictures of:

1) Public figures, if done in connection with the public functions they exercise, and ,in particular, political, social, and professional functions.

2) A person constituting just a detail of the whole, such as a rally, a landscape, or public entertainment.

Article 82. Unless the persons to whom the correspondence is forwarded specify otherwise, the dissemination of the correspondence within 20 years from the date of their demise requires the consent of spouses or, in their absence, in succession, parents or siblings or their descendants.

Article 83. Claims instituted against the dissemination of a picture or correspondence without the consent of the person concerned are correspondingly governed by the provisions of Article 78, Paragraph 1; these claims may not be instituted after 20 years from the date of demise of said person.

Article 84.1. The author, as well as the publisher or producer at the demand of the author, are obliged to keep secret the sources of information used in the work and not to divulge the documents related.

84.2. It is permissible to reveal the secret with the consent of the person who has entrusted the secret as well as on the basis of the decision of an appropriate court of law.

Chapter 11
Related Rights

Section 1
Rights in Artistic Performances

Article 85.1. The right in an artistic performance applies, on condition that it is established, to any performance of a work of an artistic nature, regardless of its value, purpose, or method of expression.

85.2. Artistic performances as construed by Paragraph 1 are, in particular, the activities of: actors, recital performers, orchestra conductors, instrumentalists, dancers, vocalists, and people who creatively contribute to the performance.

Article 86.1. The artist is entitled to, within the limits defined by the provisions of the present Law, the exclusive right to:

1) Protection of personal rights to artistic performance.

2) Benefit from the artistic performance and dispose of it in particular domains of exploitation.

3) Remuneration for artistic performance.

86.2. The exclusive right to use and dispose of an artistic performance as referred to in Paragraph 1, Point 2) comprises the right to:

1) Fixation.

2) Reproduction of the performance by means of specified technologies.

3) Introduction into circulation.

4) Public reproduction, unless this is done by means of a specimen introduced into circulation.

5) Leasing.

6) Rental.

7) Broadcasting, unless this is done by means of a specimen introduced into circulation.

86.3. In the case of broadcasting or public reproduction by means of a specimen introduced into circulation, the artist- performer has the right to receive appropriate residuals.

Article 87. Unless the contract specifies otherwise, when a contract for joint staging of an audiovisual work is concluded between an artist and a producer, the right to

make use of and benefit from the performance of said work is transferred to the producer with respect to all other media of expression.

Article 88. The right of the artist-performer does not infringe upon the copyright in the work performed.

Article 89. The right, referred to in Article 86, Paragraph 1, Points 2 and 3, expires 50 years after the year in which the artistic performance was established for the first time.

Article 90. The provisions of the law are applied to artistic performances which:

1) Were performed by a Polish citizen or a resident of the territory of the Polish Republic, or

2) Were established for the first time on the territory of the Polish Republic, or

3) Were published for the first time on the territory of the Polish Republic, or

4) Are protected under international agreements.

Article 91. The assumption is that the director of an artistic ensemble is empowered to represent its rights in a collective artistic performance. The assumption applies correspondingly to parts of that performance that are of autonomous value.

Article 92. Artistic performances are correspondingly governed by the provisions of Articles 6, 8-10, 12, 18, 21, 23, 24, 26-29, 34, 35, 39, 41-45, 47-49, 52-55, 57-59, 62-68, 78, and Article 79, Paragraph 1 and Article 80.

Article 93. The provisions of Article 33, Point 10, of the Family and Guardianship Law Code, are applied to the right to an artistic performance.

Section 2
Rights in Video and Audio Recordings

Article 94.1. The producer of an audio or video recording is the person or entity under whose name or (company) appellation the recording was first prepared.

94.2. Without detriment to the right of the authors and artists, the producer of the video or audio recording has the sole right to dispose of and make use of that recording as regards:

1) Reproduction by means of defined technologies.

2) Introduction into circulation.

3) Leasing.

4) Rental.

94.3. In the case of the broadcasting or public reproduction of an audio or video recording introduced into circulation, the producer is entitled to appropriate remuneration.

Article 95. The right referred to in Article 94, Paragraph 2, expires 50 years after the year in which the audio or video recording was made.

Article 96. The provisions of this Law apply to the audio and video recordings:

1) whose producer resides or has offices on the territory of the Polish Republic,

2) whose protection ensues from international agreements.

Section 3
Rights in Broadcasts

Article 97. Without detriment to the rights of authors and artists, the radio or television organization has the exclusive right to dispose of and make use of their programs in the area of:

1) Recording,

2) Reproducing,

3) Broadcasting, also by some other radio or television organization.

Article 98. The right referred to in Article 97, expires 50 years after the year in which the program was first broadcast.

Article 99. The provisions of the Law apply to programs:

1) of a radio and television organization with offices on the territory of the Polish Republic, or

2) whose protection ensues from international agreements.

Section 4
Joint Stipulations Concerning Audio and Video Recordings and Broadcasts

Article 100. The exercise of rights in artistic performances, audio and video recordings, and broadcasts is subject to the limitations ensuing from the provisions of Articles 23-35.

Article 101. Rights in artistic performances, audio and video recordings and broadcasts are correspondingly governed by the provisions of Articles 5,22,39,51,79 Paragraph 1, and 8C.

Article 102.1. To every specimen of an audio or video recording is affixed the name or (company) appellation of the producer, in addition to notation identifying authorship, artistic execution, titles of the works, and the date of preparation, and, in the event of fixation of the broadcast, also the appellation of the radio or television organization.

102.2. The assumption is that specimens not meeting the requirements of Paragraph 1 were prepared illegally.

Article 103. Disputes about rights in artistic performances as well as rights in audio and video recordings and radio and television broadcasts belong in the jurisdiction of voivodship courts.

Chapter 12
Organizations for Joint Administering of Copyrights or Related Rights

Article 104.1. The organizations for administering copyrights or related rights, hereinafter referred to as "joint administration organizations," are, as construed by the present Law, associations of authors, performing artists, or producers, or radio and television organizations whose statutory purposes include the joint administration and protection of the copyrights or related rights entrusted to them and the exercise of the attendant legal rights.

104.2. The organizations referred to in Paragraph 1 are governed by the provisions of the Law on Associations, with the proviso that:

1) Legal entities may also be members of such organizations.

2) To engage in the activities defined in the present Law, the organization needs a permit from the minister of culture and art.

3) Supervision over the organizations is exercised by the minister of culture and art.

104.3. The minister of culture and art grants the permit referred to in Paragraph 2, Point 2) to the organizations providing a warranty of proper administration of the entrusted rights.

104.4. In the event an organization is found to infringe upon the scope of the permit granted thereto, the minister summons the organization to eliminate the infringement within a designated time limit, on pain of revoking the permit.

104.5. The permit referred to in Paragraph 2, Point 2) may be revoked if the organization:

1) Fails to properly perform its obligations relating to the administration and protection of the copyrights and related rights entrusted thereto.

2) Violates the law with regard to the scope of its permit.

104.6. The decision of the minister of culture and art to grant or revoke a permit for the exercise of the rights referred to in Paragraph 1 by an organization for joint administration is subject to publication in DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ "MONITOR POLSKI."

Article 105.1. The assumption is that the organization for joint administration is authorized to administer and protect a copyright in a work in particular media of expression included in joint administration, and that it is authorized to appear before a court of law in that capacity. This assumption may not apply when more than one organization claims the title to the same work or artistic performance.

105.2. Within the scope of its activities, an organization for joint administration may demand information or access to the records needed to determine the amount of the remuneration and royalties due thereto.

Article 106.1. The organization for joint administration is obliged to assure equal treatment of the rights of its members and other entities it represents with respect to managing their rights or assuring their protection.

106.2. The organization for joint administration may not, without a valid reason, withhold consent to the use of works or artistic performances within the limits of the administration it exercises.

106.3. The organization for joint administration may not, without a valid reason, decline to administer a copyright or a related right. It performs such administration in accordance with its statute.

Article 107. If more than one organization for joint administration is active in the same medium of expression, the organization proper, as construed by the present Law, is the organization of which the author or performing artist is a member, and, if the author or artist does not belong to any such organization or has failed to disclose his or her authorship, the organization identified by the Copyright Commission referred to in Article 108, Paragraph 1.

Article 108.1. The minister of culture and art appoints the Copyright Commission, hereinafter referred to as the "Commission," which consists of 40 arbitrators appointed in appropriate proportion from among the candidates referred to in Paragraph 2.

108.2. The candidates to the Commission are proposed by joint administration organizations, associations of authors, artists, producers, organizations grouping entities that use works professionally, as well as radio and television organizations, within a period of time fixed by the minister of culture and art. The information on this period is announced in press dailies.

108.3. The Commission, consisting of six arbitrators and the chairperson as the super arbitrator, appointed by the minister of culture and art from among the group of candidates, ratifies or declines to ratify the tables, presented by organizations for joint administration, of remuneration for the use of the works or artistic performances included in joint administration, and identifies the organization proper as construed by Article 107.

108.4. For proceedings before the Commission in cases referred to in Paragraph 3, apply the regulations of the Code of Administrative Proceedings. Rulings issued by this procedure by the Commission may be appealed to the minister of culture.

108.5. In three-member panels, appointed from the group of the arbitrators—one by each party, plus a super arbitrator elected by the arbitrators appointed in this manner, *the Commission resolves disputes concerning* the application of the tables referred to in Paragraph 3. If one of the parties does not appoint its arbitrator, or if the arbitrators do not appoint the super arbitrator, they will be appointed by the minister of culture and art.

108.6. The regulations of the Code of Civil Proceedings on proceedings before a conciliatory court apply to the proceedings before the Commission in the cases referred to in Paragraph 5.

108.7. The party dissatisfied with the verdict of the Commission, referred to in Paragraph 5, may,within 14 days from the day of the delivery of the verdict, initiate a civil lawsuit in a proper voivodship court.

108.8. The arbitrators are entitled to remuneration for participation in the Commission's sessions.

108.9. By issuing an executive order, the minister of culture and art defines the detailed rules and the mode of proceedings of the Commission, the size of the remuneration referred to in Paragraph 8, the size of the fees for proceedings before the Commission, and the rules for paying them.

Article 109. Contract clauses that are less advantageous to authors than might ensue from the tables referred to in Article 108, Paragraph 3, are nonbinding and replaced by the stipulations in the tables.

Article 110. The amounts of the renumeration claimed by joint administration organizations should allow for the size of the proceeds derived from the use of works and artistic performances and from the nature and scope of said use.

Chapter 13
Fund for the Promotion of Creativity

Article 111.1. The Fund for the Promotion of Creativity, hereinafter referred to as "the Fund," is hereby established.

111.2. The Fund is administered by the minister of culture and art.

111.3. The Fund is a targeted state fund as construed by the provisions of the Budget Law.

Article 112.1. Income of the Fund consists of:

1) Receipts specified in Article 40,

2) Receipts specified in Article 79, Paragraph 2.

3) Voluntary contributions, bequests, and donations.

4) Other receipts.

Article 113. The Fund's resources are allocated for:

1) Stipends and social services for creators of works and for the creators of their derivative treatment.

2) Defraying whole or in part the expense of publishing works of special importance to culture and science as well as publications for the vision-impaired.

Article 114. The minister of culture and art, upon consulting the appropriate associations of creators, shall define, by issuing executive orders, the detailed guidelines for disbursing payments from the Fund and the guidelines for granting the stipends and social services referred to in Paragraph 113, Point 1).

Chapter 14
Penalties

Article 115.1. Whoever appropriates or misleads the authorship of the entirety or a part of another's work or artistic performance

—is liable to imprisonment for up to two years, restriction of liberty, or a fine.

115.2. Also liable to the same penalty is anyone who disseminates, without identifying the creator by name or pseudonym, an original or derivative version of a work or a public performance, or anyone who publicly distorts said work, artistic performance, sound recording, video recording, or broadcast.

115.3. Whoever, in order to gain pecuniary advantages in a manner other than that defined in Paragraphs 1 or 2, infringes upon another's copyright or related rights, defined in Articles 16, 17, 18, 86, 94 Paragraph 2, and Article 97,

—is liable to imprisonment for up to one year, restriction of liberty, or a fine.

Article 116.1. Whoever disseminates another's work in its original or derivative version, or another's artistic performance, sound recording, video recording, or broadcast, without authorization or contrary to the terms of the authorization

—is liable to imprisonment for up to two years, restriction of liberty, or a fine.

116.2. If the perpetrator commits the deed referred to in Paragraph 1 in order to make a profit, he or she

—is liable to imprisonment for up to three years.

116.3. If the perpetrator turns the offense referred to in Paragraph 1 into a regular source of income or pursues or directs the criminal activity referred to in Paragraph 1, he or she is liable to imprisonment for six months to five years.

116.4. If the perpetrator of a deed referred to in Paragraph 1 acts without premeditation, he or she

—is liable to imprisonment for up to one year, the restriction of liberty, or a fine.

Article 117.1. Whoever fixes or reproduces another's work of original authorship or in the form of its treatment, or another's artistic performance, audio recording, video recording, or broadcast, without authorization or contrary to the terms of the authorization, and promotes the dissemination thereof

—is liable to imprisonment for up to two years, restriction of liberty, or a fine.

117.2. If the perpetrator turns the offense referred to in Paragraph 1 into a regular source of income or pursues or directs a criminal activity referred to in Paragraph 1, he or she

—is liable to imprisonment for up to three years.

Article 118.1. Whoever acquires, helps sell, accepts, or helps hide, for a profit-making purpose, an object serving as the carrier of a work, an artistic performance, an audio recording, or a video recording that is disseminated or reproduced without authorization or contrary to the terms of the authorization

—is liable to imprisonment for up to two years, restriction of liberty, or a fine.

118.2. If the perpetrator turns the offense referred to in Paragraph 1 into a regular source of income or persues or directs a criminal activity referred to in Paragraph 1, he or she

—is liable to imprisonment for up to three years.

Article 119. Whoever prevents or hinders the exercise of the right to supervise the use of a work or an artistic performance, or whoever refuses to provide the information specified in Article 47

—is liable to a fine.

Article 120. In the event of a conditional quashing of proceedings in cases of the offenses defined in Articles 115, 116, and 117, or in the event of a conditional suspension of the penalty of imprisonment for such offenses, the perpetrator is obliged to repair entirely or in part the damages caused by the offense, if such damages were not repaired.

Article 121.1. In the event of sentencing for an offense defined in Articles 115, 116, 117, or 118, the court may order the forfeiture of the objects linked to the offense or serving to commit it, even if they are not owned by the perpetrator.

Article 122. Prosecution of the offenses defined in Article 115, Article 116, Paragraphs 1, 2, and 4, Article 117, Paragraph 1, Article 118, Paragraph 1, and Article 119 takes place pursuant to private accusation.

Article 123. The justice minister, by issuing an executive order, may appoint regional courts proper for dealing with cases concerning the offenses referred to in Articles 115-119, within the jurisdiction of the given voivodship court.

Chapter 15
Interim and Final Provisions

Article 124.1. The present Law applies to:

1) Works fixed for the first time after the effective date of the present Law.

2) Works in which copyrights, under the previous regulations, have not yet expired.

3) Works in which copyrights, under the previous regulations, have expired but that, pursuant to the present Law, continue to benefit from protection, with the exception of the period intervening between the expiration of protection under the previous regulations and the effective date of the present Law.

124.2. The provisions of Paragraph 1, Point 3), apply to works of foreign nationals permanently residing abroad, on the condition of reciprocity.

124.3. The owner of a computer software program created before the effective date of the present Law and protected pursuant to Paragraph 1 may not be made accountable for copyright infringements before that date. After the effective date of the present Law, further use of the program to its previous extent by the program's owner is permitted without requiring additional consent and royalty, upon adhering to the requirements of Article 75. Any more far- reaching use of such software, including its copying and dissemination, is prohibited.

124.4. The provisions of agreements concluded before the day the law comes into force and which conflict with the provisions of Article 75, Paragraph 2 and 3, are nonbinding.

Article 125.1. The provisions of the present Law apply to artistic performances:

1) Fixed for the first time after the effective date of the present Law.

2) The use of them after the effective date of the present Law if, pursuant to the provisions of the present Law, they continue to be protected. This does not apply to artistic performances fixed earlier than 20 years before the effective date of the present Law.

125.2. The present Law does not infringe upon the ownership of specimens on which artistic performances were fixed before the effective date of the present Law.

Article 126.1. The present Law applies to:

1) Audio and video recordings prepared after the effective date of the present Law.

2) Radio and television programs broadcast after the effective date of the present Law.

3) Audio and video recordings and radio and television programs that, pursuant to the present Law, remain protected. This does not apply to the audio and video

recordings and radio and television programs prepared or broadcast earlier than 20 years before the effective date of the present Law.

126.2. The guidelines referred to in Paragraph 1. Point 3), first sentence, do not apply to the use by

1) Public radio and television stations and

2) Schools, for instructional purposes of broadcasts, audio recordings, and video recordings other than feature films or recordings of theatrical performances, or to the use of artistic performances fixed on audio and video recordings, when prepared prior to the effective date of the present law.

Article 127.1. If the use of a work, artistic performance, video or audio recording, or a radio or television program, started before the effective date of the present law, was permissible by the regulations in force at that time, but if it requires permission after this date, it may be completed, on condition that the copyright holder received appropriate remuneration.

127.2. With the proviso of Paragraph 3, legal actions referring to the Copyright Law, and performed before the effective date of the present law, are effective and subject to evaluation in line with the regulations of the law in force before this date; this also concerns events other than legal actions.

127.3. The present law is also applied to long-term agreements which were concluded before it came into force; it concerns the period after this date and the commitments that were made before the effective date of this law, with reference to the legal effects of the events, following this date and unrelated to the subject of the commitment.

127.4. Agreements concluded before the effective date of the present law do not include related laws, unless parties decided otherwise.

Article 128. The Copyright Law of 10 July 1952 (DZ.U. No. 34, Item 234, 1952; No. 34, Item 184, 1975; and No. 35, Item 192, 1989) is hereby rescinded.

Article 129. The present Law takes effect three months after the day of its publication, with the exception of the provisions of Article 124, Paragraph 3, which become effective on the day of publication.

/s/President of the Polish Republic: L. Walesa

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